IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.49 OF 2004

Narsagonda Babgonda Patil. .. Petitioner
Vs.
Zilla Parishad, Kolhapur, & Ors. .. Respondents
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Shri G.M.Sevagave for the petitioner.

Shri Mandar Goswami for respondent Nos.1 to 3.

Shri S.N.Gawade, AGP respondent No.4.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 23rd NOVEMBER, 2004.

P.C.

1. Heard. By the order dated 7th October, 2002 passed in Second Appeal No.352 of 2002, it was observed that the petitioner is entitled to be considered as having retired in the year 1994, and therefore, would be entitled for pensionary benefits. It was the grievance of the petitioner that inspite of the said order, the petitioner has not been granted any pensionary benefits. The respondents have filed the affidavit dated 13th August, 2004 wherein it has been categorically stated that the respondents are paying Rs.2,051/- per month as provisional pension

regularly and inspite thereof, there is no complaint by the petitioner. Though the petitioner has filed the rejoinder, the petitioner has not denied the statement of fact that the petitioner is being paid Rs.2051/- as provisional pension. Undisputedly, the Second Appeal is yet to be disposed of and it has been clearly observed in the order dated 7th October, 2003 passed in the Second Appeal that whatever payment that would be made to the petitioner would be subject to the final outcome of the Second Appeal, and in case of any excess amount to be paid to the petitioner, the same would be paid on the disposal of the said Second Appeal.

2. In these circumstances, there is no case for proceeding against the respondents for contempt of Court in relation to the order dated 7th October, 2003 passed in the Second Appeal No.352 of 2002. The proceedings are therefore disposed of and are dropped. The notice stands discharged.

4. Authenticated copy be given.